



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

application of: Joshua D. Rabinowitz, et al. ) Examiner: M. Haghigian  
 Serial No.: 10/749,536 ) ) Group Art Unit: 1616  
 Filing Date: December 30, 2003 ) ) Confirmation No.: 8873  
 For: DELIVERY OF ANTIHISTAMINES ) )  
 THROUGH AN INHALATION ROUTE ) )

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

## INFORMATION DISCLOSURE STATEMENT

Applicant calls the Examiner's attention to the patents and publications listed on the attached Form PTO-1449, copies of required documents enclosed, which may be material to examination of the above identified application. The Examiner is requested to make these documents of record.

TIME OF TRANSMITTAL

This Information Disclosure Statement is being submitted under 37 CFR § 1.97(c). This Statement is filed after three months from the filing date of the national application, after three months from the date of entry into national stage under 37 CFR § 1.491, after the mailing of a first Office Action on the merits, or after the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR § 1.114, but before the mailing date of any of:

- (a) a final action under 37 CFR § 1.113;
- (b) a notice of allowance under 37 CFR § 1.311; or
- (c) an action that otherwise closes prosecution in the application.

## 37 CFR 1.8

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
 Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 9, 2005.

Signature:   
 Name: Tracy E. Crispino

06/14/2005 RMEBRAHT 00000039 10749536  
 180.00 UP  
 05 FC:1806

This Statement is accompanied by a check for \$180.00 in accordance with 37 CFR §§1.97(c) and 1.17(p). The undersigned hereby authorizes the charging of any deficiency of fees submitted herewith to Deposit Account No. 19-5117.

Documents listed in the attached Form PTO-1449 and numbered 1, 7, 9-11, 14, 19, 21-26 and 28-34 are office actions, and the references relied upon therein, issued with respect to co-pending and co-owned applications directed to subject matter that is similar or related to the subject matter of the present invention. Documents listed in the attached Form PTO-1449 and numbered 2-6, 8, 15-17 and 27 are described in the "Background of the Invention" section (page 3, line 23 to page 4, line 19) of priority document U.S. provisional patent application Serial No. 60/294,205 filed May 25, 2001 (attached hereto as Exhibit A). Documents listed in the attached Form PTO-1499 and numbered 12, 13, 18, 20 and 35 were cited with respect to the parent application, U.S. patent application Serial No. 10/153,831, now U.S. Patent No. 6,740,308. Finally, consistent with our previous disclosures in this application, documents listed in the attached Form PTO-1449 and numbered 36-51 are co-pending and co-owned applications directed to subject matter that is similar or related to the subject matter of the present invention. This updates the list of such applications that were previously disclosed.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. This listed patents and publications are believed of interest herein and consideration and citation of as interest by Examiner is respectfully requested.

Respectfully submitted,

Date: June 9, 2005

  
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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  List of Information Cited by Applicant Page 1 of 2	ATTY. DOCKET NO. 00035.08CON	SERIAL NO. 10/749,536
	APPLICANT Rabinowitz, et al.	
	FILING DATE December 30, 2003	GROUP 1616



U.S. PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
1.		4,484,576	11/27/84	Albarda			
2.		4,566,451	01/28/86	Badewien			
3.		4,734,560	03/29/88	Bowen			
4.		4,853,517	08/01/89	Bowen et al.			
5.		4,303,083	12/01/81	Burruss, Jr.			
6.		4,906,417	03/06/90	Gentry			
7.		4,735,217	04/05/88	Gerth et al.			
8.		5,840,246	11/24/98	Hammons et al.			
9.		5,743,251	04/28/98	Howell et al.			
10.		6,090,212	07/18/00	Mahawili			
11.		5,146,915	09/15/92	Montgomery			
12.		3,219,533	11/23/65	Mullins			
13.		4,232,002	11/04/80	Nogrady			
14.		5,918,595	07/06/99	Olsson et al.			
15.		4,917,119	04/17/90	Potter et al.			
16.		4,941,483	07/17/90	Ridings et al.			
17.		3,982,095	09/21/76	Robinson			
18.		4,183,912	01/15/80	Rosenthal			

FOREIGN PATENT DOCUMENTS						
EXAM. INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLS	SUB- CLS
19.		WO 94/09842	05/11/94	PCT		
20.		WO 96/31198	10/10/96	PCT		

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
	EXAMINER	DATE CONSIDERED
21.	Office Action mailed 12/04/03 for US App. No. 10/057,198 filed 10/26/01 "Method And Device For Delivering A Physiologically Active Compound"	
22.	Office Action mailed 01/12/05 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"	
23.	Office Action mailed 06/03/04 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"	
24.	Office Action mailed 12/15/03 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"	
25.	Office Action mailed 02/27/04 for US App. No. 10/146,080 filed 05/13/02, "Aerosol Forming Device For Use In Inhalation Therapy"	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM PTO-1449</b> <b>U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE</b> List of Information Cited by Applicant Page 2 of 2	<b>ATTY. DOCKET NO.</b>	<b>SERIAL NO.</b>
	00035.08CON	10/749,536
	<b>APPLICANT</b>	
	Rabinowitz, et al.	
<b>FILING DATE</b>	<b>GROUP</b>	
December 30, 2003	1616	

U.S. PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
26.		5,605,146	02/25/97	Sarela			
27.		5,456,247	10/10/95	Shilling et al.			
28.		3,949,743	04/13/76	Shanbrom			
29.		5,649,554	07/22/97	Sprinkel et al.			
34.		5,592,934	01/14/97	Thwaites			
34.		6,632,047	10/14/03	Vinegar et al.			
34.		5,894,841	04/20/99	Voges			
33.		5,366,770	11/22/94	Wang			
34.		5,874,481	02/23/99	Weers et al.			
35.		US2002/0061281	05/23/02	Osbakken et al.			
36.		10/057,198	10/26/01	Lloyd et al.			
37.		10/302,614	11/21/02	Lu			
38.		10/146,088	05/13/02	Hale et al.			
39.		10/280,315	10/25/02	Shen			
40.		10/322,227	12/17/02	Novack et al.			
41.		10/442,385	05/20/03	Cross et al.			
42.		10/719,540	11/20/03	Hale et al.			
43.		10/850,895	05/20/04	Damani et al.			
44.		10/851,429	05/20/04	Hale et al.			
45.		10/851,883	05/20/04	Hale et al.			
46.		10/851,432	05/20/04	Hale et al.			
47.		10/861,554	06/03/04	Cross et al.			
48.		10/851,018	05/20/04	Hale et al.			
49.		10/917,735	08/12/04	Hale et al.			
50.		10/917,720	08/12/04	Hale et al.			
51.		10/912,417	08/04/04	Bennett et al.			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
<b>EXAMINER</b>	<b>DATE CONSIDERED</b>	
<small>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small>		